

15.
16.10.2023
S.D.

W.P.A. 22683 of 2023

**Sri Prosun Biswas
Vs.
The State of West Bengal & Ors.**

Mr. Manabendra Thakur
...For the Petitioner

Ms. Shraboni Sarkar
....For the Respondent Nos. 3 & 4

Mr. Subhendu Sengupta
...For the State

Mr. Sengupta, learned counsel appearing on behalf of the State respondents challenges the maintainability of the writ petition.

Mr. Thakur, learned counsel appearing on behalf of the petitioner submits that the petitioner has challenged the selection process by the Public Service Commission (PSC) and, therefore, the selection process has not yet reached its recruitment stage. Therefore, the present writ petition is maintainable. He also draws the attention of this Court to the condition of service as stipulated in the advertisement and submits that all the appointments are temporary in nature, at the first instance. Therefore, the selection process cannot be held to be for *regular appointments*.

Ms. Shraboni Sarkar, learned counsel appears on behalf of PSC.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that Section 15 (a) of the Administrative Tribunals Act, 1985 encompasses recruitment, matters concerning recruitment to any civil service of the State or to any civil post of the State.

Therefore, this Court is of the view that the appropriate Tribunal is the Court at first instance following the Apex Court's judgment in **L. Chandra Kumar vs. Union of India & Ors.** reported in (1997) 3 SCC 261.

Accordingly, **W.P.A. 22683 of 2023** is **dismissed** with liberty to file afresh, before the appropriate forum, if so advised.

It is made clear that this Court has not gone into the merits of the writ petition.

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the petition are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the official **website** of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)